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Letter dated 31 March 1993 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter by Mr. Dragomir Djokić, Chargé d'affaires a.i. of the Permanent Mission of a country provisionally referred to as the "Federal Republic of Yugoslavia (Serbia and Montenegro)" - addressed to you, and enclosing a letter from the Federal Minister for Foreign Affairs of the "Federal Republic of Yugoslavia (Serbia and Montenegro)", Mr. Vladislav Jovanović (A/C.5/47/91).

Mr. Jovanović, while aiming to clarify the position of his Government concerning the scale of assessments determining the contributions of his country to the United Nations budget, gives some ill-founded and misleading information with regard to the continuity of the international personality from the former Socialist Federal Republic of Yugoslavia (SFRY) to the "Federal Republic of Yugoslavia (Serbia and Montenegro)".

In his letter, Mr. Jovanović underlines that "the Federal Republic of Yugoslavia as a Member of the United Nations, continuing the personality of the Socialist Federal Republic of Yugoslavia under international law ... will continue to fulfil its obligations under the United Nations Charter and the decisions of the respective United Nations bodies".

There can be no dispute with regard to the present status of the membership of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in the United Nations. The General Assembly, by its resolution 47/1 of 22 September 1992, decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations" (para. 1). Since a Member of the Organization would not be asked by the same Organization that it should apply for membership, it can only be concluded that the entity in question is

presently not a Member. However, owing to other circumstances, the representatives of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" are still participating in the work of the Security Council and they have not yet been denied access to Headquarters premises.

Furthermore, by implying that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" is a sole successor of the former SFRY and by stating that it is the continuation of its international personality, Mr. Jovanović is omitting the existence of both resolution 47/1 and Security Council resolution 777 (1992) of 19 September 1992, which consider "that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations".

Had the international community deemed it possible and legally founded, it would undoubtedly grant the "Federal Republic of Yugoslavia (Serbia and Montenegro)" the right to succeed the former SFRY to the extent determined by international law. On the contrary, the international community has recognized that the former common State has disintegrated and "ceased to exist", and that there are several successor States to it.

That was reiterated in the views of the representatives of the States members of the Security Council in the explanations of vote when adopting resolution 777 (1992). The representative of the United States of America stated that fact most clearly when he expressed the view that for the first time the United Nations was facing the dissolution of one of its Members without agreement by the successor States on the status of the original United Nations seat. Furthermore, he emphasized that none of the former republics of the former Yugoslavia was so clearly a predominant portion of the original State as to be entitled to be treated as the continuation of that State; therefore the United States could not accept Serbia/Montenegro's claim to the former Yugoslavia's seat.

The dissolution of the former SFRY resulted in five new sovereign States; some of them are Members of the United Nations, and some of them not as yet. There is not and there cannot be any sole successor to that former State's international personality.

I would ask for your kind assistance in distributing the present letter as a document of the General Assembly, under agenda item 111, and as a document of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative